



and to request that such amended claims that depend from or otherwise include all the limitations of the allowable product be rejoined and examined for patentability. In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1996); In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995).

The Examiner has also required three different species elections for the Group I claims. In general, with regard to the Examiner's species election requirement, Applicants note that such a requirement is primarily, if not solely, intended to facilitate a search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submits that the scope of the claims of the present invention is not limited to the elected species.

First, the Examiner has required an election of a mannose species: (A) oxidized mannose or (B) partially reduced mannose. Applicants elect species (A) oxidized mannose, with traverse. Applicants submit that these subjects are so closely related (e.g., via the common feature of mannose) that a thorough search for mannose with regard to the present invention will be sufficient to examine both species (A) and (B). Therefore, to search both species will not place an undue burden on the Examiner.

Second, the Examiner has required an election of: (A) cells with a biological response modifier and (B) cells without a biological response modifier. Applicants elect species (A) cells with a biological response modifier, with traverse. With regard to the species of with or without a biological modifier, Applicants submit that this species requirement is not proper, because the requirement does not appear to be between two species of a generic claim. Specifically, the claims which recite a biological response modifier are essentially further embodiments of the claims without such modifier. If the Examiner performs a search of the invention including cells with a biological modifier as Applicants have elected, then logically, cells without a biological modifier are simultaneously searched and there is no additional burden on the Examiner.

Third, the Examiner has required an election of an antigen listed in Claim 12. Applicants elect the antigen, MUC1, with traverse. Applicants submit that a search for the generic Claim 1 will be sufficient to examine Claim 12 without the need for the election of species.

In view of the foregoing discussion, Applicants respectfully request that the Examiner reconsider the restriction requirement and species election requirement and withdraw such requirements.

Respectfully submitted,

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